

The Examiner has noted in support of her rejection, a particular embodiment of Newsome film structures, which is shown at Col. 3, line 10. The Examiner has stated the following regarding this film structure:

"Newsome teaches linear low density polyethylene (LLDPE) used in multiple layer molecularly oriented films (Abstract). The film includes a first barrier layer having two opposing surface wherein first and/or second pairs of layers are adhered. In preferred structures the first pair of layers comprises 70% to 100% EVA and the second pair of layers comprises 10% to 90% LLDPE. In an embodiment involving a partial reversal of roles, the first pair of layers comprises 50% to 100% LLDPE. The second and third layers, or barrier layer, may comprise an ethylene vinyl acetate (EVA), and the fourth layer comprises 10% to 100% LLDPE (column 2, lines 50 to column 3, line 24). Newsome uses conventional LLDPE, wherein one commercially available material is DOWLEX (column 5, lines 45+). The barrier layer may be ethylene vinyl alcohol copolymer (column 3, lines 25-28). A substantial end use of the film is in heat sealable..."

However, Applicants respectfully wish to note that in the above embodiment in which the fourth layer comprises 10% to 100% LLDPE, this embodiment is a five layer structure comprising a barrier layer, a first pair of layers and a second pair of layers wherein the pairs of layers comprise various percentages of EVA and LLDPE. Therefore, the fourth layer is bonded to one of said second and third layers (Col. 3, lines 17 to 19) and not to the barrier layer. In Applicants' invention, the layers comprising the ethylene alpha-olefin copolymer formed by the polymerization reaction in the presence of a single site catalyst are adjacent the barrier layer. Therefore, it is respectfully submitted that the embodiment which the Examiner has used to support the rejection does not make obvious Applicants' invention because the Newsome's layer does not have the same relationship to the barrier layer as in Applicants' invention.

At Col. 3, line 50 to Col. 4, to line 59, Newsome discloses a three layer structure (Fig. 2) having a barrier layer, a heat sealant layer and an outer layer. The barrier layer is saran, EVOH and blends of EVOH, lines 59 to 60. The heat sealant layer (Col. 3, line 16) is 10% to 100% of an EVA and 0% to 90% LLDPE. The outer layer (layer 18) (Col. 3, lines 64 to 65) is a blend of 10% to 100% EVA and 90% to 0% LLDPE. Newsome further discloses at Col. 4, lines 58 to 60 the following:

"Films having 100% LLDPE in either layer 16 or 18 are not preferred because of difficulties in manufacturing them."

Thus, Newsome teaches that layers adjacent the barrier layer cannot have 100% LLDPE. Therefore, one of ordinary skill in the art would not be motivated to substitute 100% linear olefin polymers of Lai for the films of Newsome because Newsome teaches that film having 100% LLDPE are not acceptable.

Therefore, in view of the above remarks, it is respectfully submitted that not only does Newsome not make obvious Applicants' invention, it actually teaches against Applicants' invention because Newsome teaches that 100% LLDPE layer adjacent the barrier layer is not acceptable.

Lai discloses linear olefin polymers having several uses, *i.e.*, fibers, films and molded parts without any teaching or suggestion as to how its linear olefin polymers could be specifically utilized in these various areas. Lai also does not disclose any advantages or disadvantages associated with the use of its linear olefin polymers in the general areas disclosed. Therefore, a reader of Lai would have no guidance on how to utilize the linear olefin polymers in any of the areas disclosed, or whether or not the use in a particular area would truly be advantageous.

While Lai discloses linear olefin polymers and some of the properties associated with these polymers, Lai does not disclose any of the problems or benefits of the use of these polymers in a multilayer film. In fact, Lai does not teach or suggest the use of these polymers in a multilayer film let alone a multilayer film having a barrier layer. Also, Lai does not teach or suggest any cross-linking properties of the linear olefin polymers or how these polymers will respond to irradiation.

Applicants submit that the present invention is not made obvious by Lai. In order to arrive at applicants' invention, applicants have utilized several different applications of the linear olefin polymer. These applications are: the use in a multilayer film; use in a multilayer film having a barrier film; and use in a multilayer layer film having a barrier layer which is irradiated. None of these applications are taught or suggested in Lai.

The Examiner rejected claims 1, 2, 4-13, 15, 16 and 21 under 35 USC §103(a) as being unpatentable over Newsome, in view of Schut, *"Enter a New Generation of Polyolefins"*, Nov. 1991, *Plastics Technology* or Van Der Sanden *"A New Family of Linear Ethylene Polymers with Enhanced Sealing Performance"*, Feb. 1992.

The Newsome reference has been discussed earlier in this response.

The Van der Sanden reference disclose linear ethylene polymer having lower seal initiation temperatures, toughness and strength. There is no disclosure in Van der Sanden of the flow rate

ratio of the single site catalyst polymers, nor of any favorable results that arise from the use of ethylene alpha-olefin copolymers formed from a polymerization reaction in the presence of a single site catalyst having range of molecular weight distribution and flow rate ratio contained in the amended claims. Additionally, while Van der Sanden teaches the favorable property of narrow molecular weight distribution, it does not teach the particular range recited in the amended claims.

The Schut reference discloses polyethylenes made using a homogeneous metallocene catalyst having certain improved properties. The reference further discloses that these polyethylenes may have many applications depending on the process. The Schut reference does not teach or suggest applicant's multilayer, irradiated film having the particular physical characteristics which are described in the claims.

Moreover, one of ordinary skill in the art would not have been motivated to modify Newsome in view of Lau, Schut or Van der Sanden in the manner suggested by the Examiner in formulating the rejection under 35 U.S.C. 103 because Newsome teaches that a 100% LLDPE layer adjacent the barrier layer is not acceptable. Therefore, no teaching, suggestion, or incentive exist to arrive at Applicants' invention in the manner outlined in the rejections to Applicants' claims.

Applicants respectfully submit that the claims, as amended, distinctly define the present invention from any of the art of record taken singly or in combination for the reasons that were presented above.

In view of the foregoing remarks and amendments, applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance.

Respectfully submitted,

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